IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA

Roanoke Division

BRUCE A. ESTES,

Plaintiff.

٧.

CIVIL ACTION NO. 7:15-cv-00154

HAROLD CLARKE, et al.,

Defendants.

AFFIDAVIT

State of Virginia, County of Grayson, to-wit:

BENJAMIN A. WRIGHT, first being duly sworn, states as follows:

- 1. I am the Warden at River North Correctional Center (RNCC).
- 2. The information in this affidavit is based on personal knowledge and records maintained in the regular and ordinary course of business.
- 3. I have been informed of this lawsuit filed by Offender Bruce Estes (#1185224) and his allegation that the Common Fare (CF) menu offered at RNCC is not Kosher. Estes complains that he is being forced to eat non-Kosher foods thereby hindering his ability to practice his faith.

- 4. The CF diet is intended to meet the religious dietary needs of offenders who require a Kosher, Halal or non-pork diet. The CF menu is offered at selected facilities designated by the Virginia Department of Corrections (VDOC) Chief of Corrections Operations. RNCC offers the CF diet in accordance with guidelines set forth in the VDOC Food Service Manual.
- 5. Offenders who wish to receive a CF diet are reviewed to determine whether or not they hold a sincere religious belief that requires a CF diet rather than food served on the master menu. Offenders sign a participation agreement prior to beginning the CF diet, agreeing to the rules of participation. A review of our records indicates that offender Estes is currently receiving CF.
- 6. Offender Estes may also purchase and consume any food items from the commissary that are not clearly marked as containing pork or pork derivatives or containing a combination of meat and dairy ingredients. Kosher food items are marked as such. Attached as Enclosure A is a list of items offered for sale in the institution's commissary.
- 7. An offender's decision to not participate in CF does not preclude his participation in weekly religious services and access to religious materials and property. They are allowed to participate in

Passover and the Seder service. Appropriate food substitutions are made to both the CF and Master menus during Passover.

BENJAMIN A. WRIGHT

Affiant

Sworn and subscribed to before me, a Notary Public, in and for the State of Virginia, County of Grayson, this ½⅓ day of June 2015.

Notary Public

My commission expires:

PAUL SA O NOTARY PUBLIC * REG. #7209869 * WY COMMISS ON EXPIRES 14

ONCE A RECEIPT IS SIGNED, YOU ARE VERIFYING YOUR ORDER WAS CORRECT.

KH	CHOCOLATE CHIP 6OZ	3035	PRICE \$0.83	LIMIT 14	KH	SWISS MISS HOT COCOA	2198	PRICE \$2.24	LIMIT 4
			Ţ	TOTAL			2099	\$4.12	2
H K	ICED OATMEAL 60Z DUPLEX CRÈME 60Z	3040 3045	\$0.83	TOTAL	KH	PARAMOUNT DAIRY DRY MILK PARAMOUNT NON-DAIRY CREAMER 80Z	2033	\$1.92	2
<u> </u>	PEANUT BUTTER CRÈME 60Z	3004	\$0.83	+	I NR	PARAMOON NON-DAIRT CROMMER 602	2021	*1.52	
К	ORANGE PINEAPPLE CRÈME 60Z	3031	\$0.83	 	KH	KEEFE 30Z FREEZE DRIED DECAF COFFEE (GREEN BAG)	2011	\$3.04	TOTA
<u> </u>	ORANGE FREEAFFEE CALME OUZ	1 3031	30.03		КН	KEEFE 30Z COLUMBIAN BLEND COFFEE (BLUE BAG)	2283	\$3.04	9
ĸ	OATMEAL CAKE BOX OF 12	3330	\$3.49	6	KH	KEEFE 30Z ALTURO COLUMBIAN BLEND COFFEE (ORANGE BAG)	2282	\$2.89	
K	MEGA HONEYBUN	3261	\$0.69	10	KH	KEEFE 30Z 100% COLUMBIA BLEND COFFEE (YELLOW BAC)	2015	\$3.51	
K	CRUMB COFFEE CAKE	3260	\$0.67	12	K	KEEFE 40Z INSTANT COFFEE (MAROON BAG)	2010	\$2.82	1
K	STRAWBERRY CEREAL BAR	6540	\$0.45	12	K	KEEFE TEA 100CT, BOX	2029	\$4.02	2
K	ICED CINNAMON ROLL	3248	\$0.83	6			1		1
K	BOX SWISS ROLLS	3331	\$3.49	6	кн	SWEET FUSION TEA WITH LEMON	2188	\$0.48	10
K	ZIPPY(BOX)PEANUT BUTTER WAFER	3333	\$3.49	6	кн	SWEET FUSION LEMONADE	2189	\$0.48	10
K	CREAM CHEESE COFFEE CAKE	3192	\$0.89	12	KH	SWEET FUSION STRAWBERRY/WATERMELON	2190	\$0.48	10
K	BLUEBERRY CEREAL BAR	3323	\$0.45	12	кн	SWEET FUSION ORANGE/PEACH	2191	\$0.48	10
	· ·								<u> </u>
K	HERSHEY MINI ASSORTED	4081	\$2.49	-6		MOUNTAIN DEW-120Z CAN	2382	\$0.43	TOTAL
К	HERSHEY KISSES PLAIN	4225	\$2.49	6		PEPSI-12 OZ CAN	2374	\$0.43	24
К	HERSHEY KISSES W/ALMOND	4224	\$2.49	6		DIET PEPSI 120Z CAN	2375	\$0.43	
K	SNICKERS MINI BAG	4080	\$2.49	6		DR. PEPPER-12OZ CAN	2378	50.43	
К	M&M PLAIN PEG BAG	4047	\$2.49	6					
K	M&M PEANUT PEG BAG	4046	\$2.49	6		CHEDDAR CHEESE CUP OF SOUP	6042	\$0.76	TOTAL
K	REESES MINI PEG BAG	4221	\$2.49	6		ROAST BEEF CUP OF SOUP	6029	\$0.76	24
	STARBURST PEG BAG	4163	\$2.49	6					-
	ATOMIC FIRE BALLS	4146	\$0.73	6	 	MARUCHAN RAMEN TEXAS BEEF	6018	\$0.31	TOTAL
	SOUR BALLS	4150	\$0.73	6	H	MARUCHAN RAMEN HOT CHILI	6026	\$0.31	50
	ALL STARS	4152	\$0.81	6		MARUCHAN RAMEN CAJUN	6013	\$0.31	
	SF WILD FRUIT 1.75oz VANILLA CARAMELS 3OZ	4155 4156	\$0.62 \$0.81	6	 	MARUCHAN RAMEN CHICKEN	6046	\$0.31	
		+	 	+	V	WELL SETA CHIEFEN DETRIED DEANS	3660	\$1.17	-
<u>K</u>	CHICK-O-STICK.070 OZ	4019	\$0.26	20	KH	VELVEETA CHEESY REFRIED BEANS	2668	~~~~~~~	6
	CYCAIACK CRACKER 15 OZ GIKE DITZ)	2114	F2.0F	1	KH	VELVEETA MACARONI CHEESE	2664 2667	\$1.17 \$0.60	6
K,	GV SNACK CRACKER 16 OZ (LIKE RITZ)	3114	\$2.95	2	KH	VELVEETA SPICY RICE 20Z VELVEETA CHEESY RICE 20Z	2666	\$0.60	6
KH K	GV SALTINE CRACKERS 160Z PEANUT BUTTER ON CHEESE CRACKER	3107 3223	\$1.66 \$0.35	12	KH	PRE-COOKED BROWN RICE 6.50Z	6051	\$1.14	6
<u>K</u>	CHEESE ON CHEESE CRACKER	3219	\$0.35	12	KH	PRE-COOKED WHITE RICE 70Z	6050	\$1.26	6
1	CHESE ON CHESE CONCRER	3613	30.33	'*	KH	SEVILLA REFRIED BEANS AND RICE	6710	\$0.92	6
KH	WHOLE SHABANG CHIP 1.5oz	6079	\$0.38	TOTAL	KH	SEVILLA REFRIED BEANS 80Z	6047	\$1.71	6
KH	BBQ CHIPS 1.5OZ	6105	\$0.38	40	IX.	JEVILLA NEI NIED ODANO OOL	1 00.0		<u> </u>
KH	SOUR CREAM ONION CHIP 1.50Z	6126	\$0.38	 		CHILI WITH BEANS POUCH	6173	\$1.57	- 6
KH	PLAIN CHIPS 1.5OZ	6100	\$0.38	20	1	HOT CHILI WITH BEANS POUCH	6174	\$1.57	6
KH	HOT HOT HOT BBQ CHIPS 1.5OZ	6125	\$0.38	ONE		JL BEEF AND CHEESE 1.2 OZ	2616	\$1.14	8
	BUFFALO WING AND BLUE CHEESE CHIPS 1.5	1.	\$0.38	TYPE		JI. BEEF SUMMER SAUSAGE	3585	\$1.90	8
		1				JL HOT BEEF SUMMER SAUSAGE	3584	\$1.90	8
	WHITE CHEDDAR POPCORN 50Z	6083	\$1.40	TOTAL		BRIDGEFORD PEPPERONI 3.5oz	3559	\$2.34	2
	FL COOL RANCH DORITOS 8 OZ	2740	\$2.23	6		HORMEL SPAM	6757	\$1.53	- 6
KH	CA TORTILLA CHIP 12 0Z	6119	\$2.13		KH	MACKEREL IN BRINE 3.53 OZ	6074	\$1.21	6
КН	CA BBQ CORN CHIP 12 OZ	6166	\$2.13		кн	FC SARDINES IN HOT TOMATO SAUCE	6181	\$1.24	6
KH	CA CHEESE CRUNCHY 110Z	6117	\$2.13		KH	CHUNK LIGHT TUNA 4.230Z	6826	\$1.74	6
·	WHOLE ENCHILADA PARTY MIX	6349	\$2.13	L.,		BC DICED CHICKEN BREAST	6195	\$3.42	6
KH	BAKED 10 OZ CHEESE PUFF	6692	\$2.13			BC LASACNA WITH BEEF 11.25OZ	6196	\$1.89	6
						BC BLACK BEANS 100Z	2630	\$1.82	6
K	NATURAL MICROWAVE POPCORN	6200	\$0.54	10	ļ				
Κ	EXTRA BUTTER MICROWAVE POPCORN	6201	\$0.54	10	КН	CA FLOUR TORTILLAS	6600	\$1.40	- 6
					K	MRS. DASH SEASONING	6274	\$3.45	1
<u>K</u>	MAPLE BROWN SUGAR OATMEAL	6535	\$2.55	2		CHOPPED ONION FLAKES	6632		1
K	REGULAR OATMEAL	6504	\$2.55	 	K	GARLIC POWDER	6272	\$2.49	1
K	CINNAMON RAISIN BAGEL	6612	\$0.62	10					
Κ	PLAIN BAGEL	6610	\$0.62		K	HOT PICKLE	6500	\$0.70	7
	STRAWBERRY POPTARTS	3197	\$3.88		K	MILD DILL PICKLE	6501	\$0.70	7
****	BROWN SUGAR POPTARTS	3195	\$3.88	1	K	KOSHER PICKLE	6502	\$0.70	. 7
	CALTED DE LA LIVER DE LA CALTE								
<u> </u>	SALTED PEANUTS 1.750Z	6606	\$0.62	20		VELVEETA CHEDDAR SPREAD 8 OZ	6442	\$2.27	6
<u> </u>	HOT PEANUTS 1.75OZ	6607	\$0.62	20		PAINTED COW CREAM CHEESE 2 oz	3203	\$1.06	8
<u> </u>	HEALTH MIX	6213	\$1.26	15		VELVEETA CHEDDAR SQUEEZE	3536	\$0.83	10
						VELVEETA JALAPENO SQUEEZE	3535	\$0.83	10
KH	PEANUT BUTTER SQUEEZE PKTS	6415	\$0.44	20		VELVEETA WITH JALAPENO SPREAD 80z	6444	\$2.27	6
(PEANUT BUTTER JAR	5402	\$2.85	2		SHARP CHEESE BAR 40Z	6422	\$1.77	6
KH	MAYONNAISE 12PK	6262	\$0.78	2		HOT PEPPER CHEESE BAR 40Z	6449	\$1.77	6
	HOT SAUCE 12PK	6268	\$0.78	2		MOZZARELLA CHEESE BAR 4OZ	6459	\$1.77	6
<	KRAFT RANCH DRESSING 1.50Z	6421	\$0.54	10					
	CA PIZZA SAUCE 15.5OZ	6306	\$2.27	2	К	SWEETMATE BLUE 100 CT	2218	\$1.71	1
					K	SWEETMATE PINK 100 CT	2216	\$2.68	1
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	DESCRIPTION	ITEM#	PRICE	LIMIT	\$ 150 KB (\$1.00) \$	DESCRIPTION	ITEM#	PRICE	41
	ACETAMINOPHEN-325MG	0614	\$0.30	12	POSTAGE	STAMPS BOOK OF TEN .49	1050	\$4.90	
	ASPIRIN 325MG	0611	\$0.30	12		.49 EACH STAMP	1049	\$0.49	
	IBUPROFEN 200 MG	0583	\$0.30	12		.03 STAMP SINGLE	1051	\$0.03	1
	TUMS-3ROLL	0640	\$3.06	2		.02 STAMP SINGLE	4569	\$0.02	
	GENERIC CLARITIN 10PK	3674	\$2.73	1		.01 STAMP SINGLE	1004	\$0.01	
	GENERIC ZANTEC 30CT	0673	\$5.06	1		PRE-STAMPED POSTCARD	1048	\$0.39	
	BEANO GAS RELIEF 30CT	0617	\$6.94	1]		
	KONSYL-D FIBER	0656	\$5.14	1		3 RING BINDER	4887	\$3.37	
	ANTACID CALCIUM TABLETS 150CT	0618	\$4.20	1		RULED NOTEBOOK PAPER	1063	\$1.94	Т
	FISH OIL TABLETS 100CT	3695	\$10.41	1		WIRELESS NOTEBOOK	1046	\$1.37	T
	MULTIVITAMIN W/O IRON 90CT	0680	\$3.37	i		WHITE RULED PAPER SOCT	1060	\$0.83	+
	ULTREX VITAMIN (NO PORK) 100ct	0737	\$6.07	i		BLANK WRITING/DRAWING PAD	1070	\$0.67	+
	GETREX VITAMINE (NO FORK) TOOLE	0/3/	\$0.07			SKETCH TABLET	0867	\$8.13	+
	SC COUCH DROPS SECT	2670	£2.00	3			1065	\$3.38	
	SF COUGH DROPS 25CT	3679	\$2.09	1	1	TYPING PAPER 200CT		\$1.23	+-
	NON ALCOHOLIC COUGH SYRUP	0606	\$2.20	1		ENVELOPES SOCT	1013		
	NASAL SPRAY	0669	\$2.16	1		MANILLA ENVELOPE	1015	\$0.15	
				II	ļ	MANILLA FILE FOLDER	1073	\$0.16	+
	CHAP-ET LIP BALM	0273	\$1.21	1		CARBON PAPER	1066	\$1.15	4
						#2 PENCIL	1077	\$0.09	4
	HYDROCORTISONE CREAM	0250	\$1,49	1		COLOR PENCIL	1080	\$2.19	1
	ANTIFUNGAL CREAM	0251	\$1.62	1		BEVELED PINK ERASER	1085	\$0.55	
	ACNE TREATMENT CREAM	0242	\$2.15	1	I	FLEXIBLE RULER	0971	\$1.62	T
	A&D OINTMENT	0245	\$5.16	1	TOTAL 4 PENS		1089	\$0.31	T
	GENERIC ORAL GEL	0598	\$1.74	1		BIC BLUE PEN	1090	\$0.31	T
	SPF30 SUNBLOCK	0280	\$3.53	1					1
	MULTIPURPOSE SOLUTION	0742	\$6.71	i		CHILD BIRTHDAY CARD	1101	\$0.73	†-
		· · · · · · · · · · · · · · · · · · ·		1			1103	\$0.73	+-
	BAND-AID (10 COUNT)	0602	\$0.86	· · · · · · · · · · · · · · · · · · ·		ADULT BIRTHDAY CARD			╁
						FRIENDSHIP CARD	1109	\$0.73	+-
	BATH POWDER	0202	\$1.91	1_1_		THANK YOU CARD	1120	\$0.73	-
	COLD BOND POWDER	0269	\$8.20	1	1	LOVE CARD	0966	\$0.73	╀
	ANTIFUNGAL POWDER	0720	\$2.17	1		SYMPATHY CARD	1102	\$0.73	4
	COTTON SWABS	0772	\$2.19	1		GET WELL CARD	1105	\$0.73	1
	BIC TWIN BLADE RAZOR	0313	\$0.31	5		VALENTINES CARD	1129	\$0.73	1
	PROTECTION SHAVE CREAM	0331	\$2.00	1		EASTER CARD	0984	50.73	
	PROTECTION AFTER SHAVE	0350	\$2.00	1		MOTHERS DAY CARD	1140	\$0.73	
	MAGIC SHAVE CREAM	0320	\$4.33	1		FATHERS DAY CARD	1139	\$0.73	Г
						HALLOWEEN CARD	0987	\$0.73	†
	COCONUT LIME LOTION W/ ALOE	0212	\$2.25	,	7	THANKSGIVING CARD	0986	\$0.73	1
	COCOA AND SHEA LOTION	0214	\$2.25	1		CHRISTMAS CARD	3886	\$0.73	†
***************************************	COCOA BUTTER STICK	0216	\$1.28	i		CHRIST MAS CARD	3000	3,0.73	
			\$4.29	i	·	ADDRESS POOK	1056	\$0.67	t
	SUAVE X-RELIEF LOTION	0235		-		ADDRESS BOOK			+-
	HERITAGE LIKE LUBRIDERM 80Z	0236	\$2.18			POCKET DICTIONARY	1086	\$2.84	
				- 1		PHOTO ALBUM	1125	\$2.21	+-
	SOFTEE AFRICAN CROWN	0045	\$1.69	1		PLASTIC BOWL W/LID	1400	\$0.85	+
	V05 SHAMPOO	0010	\$1.81	1		MICROWAVEABLE BOWL 2.5 CUP	4249	\$1.41	
	3N1 SHAMPOO	0361	\$2.88	1		LARGER MICROWAVEABLE BOWL 6.4 CUP	1401	\$2.73	ļ
	DANDRUFF SHAMPOO	0362	\$3.37	1		COFFEE CUP	1411	\$0.75	ļ
	HAIR STYLING GEL	0363	\$3.02	1		TUMBLER	1413	\$0.50	<u> </u>
						SPORK	1423	\$0.27	L
	COLGATE CLEAR GEL TOOTHPASTE	0445	\$2.88	TOTAL					1
	COOLWAVE CLEAR TOOTHPASTE	0530	\$2.02	1		WHITE SHOE LACES	1709	\$1.08	Γ
	SENSODYNE TOOTHPASTE	0535	\$5.67		,	KIWI BROWN SHOE POLISH	8153	\$2.35	
		-				SHOE INSOLES	1706	\$2.19	
1	DENTAL FLOSSERS	0542	\$1.38	ī		HANDKERCHIEF	0755	\$0.58	T
	PERCARA MOUTHWASH	0500	\$2.40	i		WAVE CAP	0837	\$3.35	T
	FRESH N BRITE DENTURE TOOTHPASTE	0528	\$3.75	- i		FOAM EARPLUGS	1256	\$0.55	T
	EFFERGRIP DENTURE ADHESIVE	0595	\$3.61	-i-1		SCOTT TOILET TISSUE	0771	\$1.19	T
	DENTURE TABLETS	0590	\$3.21	i					I
	DENTURE CUP	0596	\$1.75	1		COMMISSARY BAG	1468	\$4.41	Τ
					 	HERITAGE LAUNDRY DETERGENT	1999	\$2.04	Γ
	FRESHSCENT ROLL ON	0121	\$1.09	TOTAL		PLASTIC HOOKS (4 PACK)	1632	\$5.43	
	PW UP ROLL ON FORCE A/P DEODRANT	0118	\$2.95	1					L
	POWERUP DRIVE DEODORANT (GREEN CAP)	0107	\$2.19			PLAYING CARDS	1300		T
	PW UP XTREME DEODORANT (BLUE CAP)	0102	\$2.59			PINOCHLE CARDS	1305	\$2.33	L
									1
	DIAL ANTIBACTERIAL SOAP	0398	\$1.10	TOTAL		SANDALWOOD	1630	\$4.62	T
	NEXT1 MOISTURIZING BAR	0424	\$0.98	4		FRANKINSCENSE	5565	\$4.62	1
	NEXT I SPORT BAR	0426	\$0.95			MYRRH	5558	\$4.62	L
	NEXT1 COCOA BUTTER BAR	0397	\$1.08			CK :	0941	\$3.79	L
	DOVE SOAP	0440	\$1.42			POLO	0960	\$3.79	
	NEUTROGENA SOAP	0444	\$3.72	1		ETERNITY	0965	\$3.79	
	NOXZEMA	0241	\$2.39	1					t
	- IOAMERICA	0671	\$6.33		 	AAA BATTEBIEC ADV	1200	\$3.02	+
	į					AAA BATTERIES 4PK AA BATTERIES 4PK	1210	\$3.02	+
	TOOTHERISH HOLDED	Ucau	\$0 AA 3	1 '					
	TOOTHBRUSH HOLDER SOAP DISH	0580 0490	\$0.44 \$0.51	1					1
	TOOTHBRUSH HOLDER SOAP DISH COMB	0580 0490 0800	\$0.44 \$0.51 \$0.30			ENERGIZER WATCH BATTERY CR2025 ENERGIZER WATCH BATTERY CR2016	7157 1222	\$2.65 \$2.51	-
	SOAP DISH	0490	\$0.51	1		ENERGIZER WATCH BATTERY CR2025	7157	\$2.65	